



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5263

Introduced 1/25/2006, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/9-2-4.5

Amends the Illinois Municipal Code. Provides lien enforcement procedures concerning liens on real property filed by a municipality to recover costs incurred by the municipality to enforce ordinances that prohibit the presence of garbage, inoperable vehicles, vermin, and unmown grass and weeds on real property. Effective immediately.

LRB094 15375 AJO 50566 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 9-2-4.5 as follows:

6 (65 ILCS 5/9-2-4.5)

7 Sec. 9-2-4.5. Special assessment for payment of costs
8 associated with certain ordinance violations.

9 (a) Definitions. For purposes of this Section: 7

10 "Code" means any municipal ordinance that requires,
11 after notice, the cutting of grass and weeds, the removal
12 of garbage and debris, the removal of inoperable motor
13 vehicles, and rodent and vermin abatement.

14 "Code enforcement lien" means a lien against a parcel
15 of property, filed of record by a municipality in the
16 office of the recorder in the county in which the property
17 is located, for the costs that the municipality incurred to
18 correct a code violation on that property.

19 (b) In addition to any other method authorized by law, with
20 the consent of the county collector, in any calender year code
21 enforcement liens may be collected under this Division 2 as a
22 special assessment on the property if the attorney for the
23 municipality signs and delivers a certificate to the county
24 collector 60 days or more before the annual tax sale stating
25 the following with respect to each code enforcement lien
26 submitted to the county collector for collection under this
27 Division:

28 (1) The permanent index number or parcel number of the
29 property, with the corresponding amount to be assessed.

30 (2) That the person in whose name general real estate
31 taxes were last assessed on the property was given a
32 written notice of a code violation existing on the property

1 and a directive to correct the code violation by a
2 designated date, together with a legal description of the
3 property, in accordance with the municipality's relevant
4 ordinance.

5 (3) That upon reinspection of the property after the
6 compliance deadline date, the code violation still exists.

7 (4) That the municipality incurred costs in the amount
8 of \$ (insert amount) to correct or abate the code violation
9 on the property.

10 (5) That the municipality has sent the person in whose
11 name general real estate taxes were last assessed a written
12 notice of lien in substantially the following form, by
13 certified mail, postage pre-paid, to the address appearing
14 on the last real estate tax bill for the property:

15 TO: (insert name of person in whose name general
16 real estate taxes were last assessed)

17 You are hereby notified that (insert name of
18 municipality), a municipality, has filed a lien
19 against the following described property: (insert
20 legal description and common street address). A copy of
21 the lien is attached. The property owner may contest
22 whether the lien was properly authorized under the
23 relevant statute or ordinance or may contest the amount
24 of the lien, by filing a written notice of contest with
25 the municipal clerk within 15 days after the date of
26 this notice. If a notice of contest is filed, the
27 property owner will be afforded a hearing before a
28 hearing officer or his or her designee.

29 (6) That the amount of the lien remains unpaid 15 days
30 after the notice of lien was mailed or, if the property
31 owner requests a hearing within the time allotted, that an
32 amount due remains unpaid 15 days after the municipality
33 mailed the property owner a written decision by the mayor
34 or his or her designee stating that the amount of the costs
35 stated in the lien are affirmed or that, after modification
36 by the written decision, there remains a different amount

1 ~~due. if (i) a property owner is cited with a Code~~
2 ~~violation, (ii) non-compliance is found upon reinspection~~
3 ~~of the property after the due date for compliance with an~~
4 ~~order to correct the Code violation or with an order for~~
5 ~~abatement, (iii) costs for services rendered by the~~
6 ~~municipality to correct the Code violation remain unpaid at~~
7 ~~the point in time that they would become a debt due and~~
8 ~~owing the municipality, as provided in Division 31.1 of~~
9 ~~Article 11 of the Illinois Municipal Code, and (iv) a lien~~
10 ~~has been filed of record by the municipality in the office~~
11 ~~of the recorder in the county in which the property is~~
12 ~~located, then those costs may be collected as a special~~
13 ~~assessment on the property under this Division.~~

14 (c) Upon payment of the amount of costs due that is stated
15 in the code enforcement lien, or if the property owner requests
16 a hearing, the amount of costs due that is stated in the
17 written decision, and the recording fees ~~costs by the owner of~~
18 ~~record or persons interested in the property,~~ the lien shall be
19 released by the municipality and the release shall be filed of
20 record in the same manner as the filing of notice of the lien.

21 (Source: P.A. 93-993, eff. 1-1-05.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.